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27 Interactive Games Limited, and Interactive Games LLC*

28 **UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

29 CG TECHNOLOGY DEVELOPMENT, LLC,
30 INTERACTIVE GAMES LIMITED, and
31 INTERACTIVE GAMES LLC,

32 Case No.:

33 **PLAINTIFFS' COMPLAINT FOR
34 PATENT INFRINGEMENT**

35 Plaintiffs,

36 **DEMAND FOR JURY TRIAL**

37 vs.
38 DRAFTKINGS, INC.,

39 Defendant.

40 Plaintiffs CG Technology Development, LLC ("CG Tech"), Interactive Games Limited
41 ("IG Limited"), and Interactive Games LLC ("IG LLC") (collectively "Plaintiffs"), by and through
42

1 their counsel, hereby bring this Complaint against Defendant DraftKings, Inc. ("Defendant" or
 2 "DraftKings"), and allege as follows:

3 **NATURE OF ACTION**

4 1. This is an action for patent infringement under 35 U.S.C. § 271 *et seq.* by Plaintiffs
 5 against Defendant for infringement of U.S. Patent Nos. RE39,818; 6,899,628; 9,111,417;
 6 8,641,511; 8,342,924; 7,029,394; 6,884,166; and 7,534,169 (collectively the "Patents-in-Suit").

7 **PARTIES**

8 2. CG Tech is a wholly owned subsidiary of CG Technology, L.P. ("CG"), a limited
 9 partnership, with its principal place of business at 2575 South Highland Drive, Las Vegas, Nevada,
 10 89109. CG and CG Tech are both incorporated in Nevada. CG is an innovative gaming
 11 technology solutions provider for lottery, gaming, racing, and sports wagering worldwide. It
 12 specializes in providing secure, scalable, mobile technology and risk management solutions to
 13 integrated resorts, gaming partners, race and sports books, and lottery industries. Headquartered in
 14 Las Vegas, Nevada, CG and CG Tech continue to expand into new global markets in response to
 15 partner demand for their gaming and manufacturing expertise and superior technology solutions.
 16 Their products include Android™- and Apple®-compatible applications for sports wagering and
 17 real-money casino gaming, as well as state-of-the-art, account-based wagering systems.

18 3. IG LLC is a limited liability company incorporated in Nevada with its principal
 19 place of business at 110 East 59th St., New York, New York, 10022.

20 4. IG Limited is a private limited company with its principal place of business at One
 21 Churchill Place, Canary Wharf, London, UK E14 5RB.

22 5. Upon information and belief, DraftKings is a corporation organized and existing
 23 under the laws of the State of Delaware, with its principal place of business located at 225 Franklin
 24 St., 26th Floor, Boston, Massachusetts, 02110.

25 **JURISDICTION AND VENUE**

26 6. This is a civil action for patent infringement arising under the patent laws of the
 27 United States, 35 U.S.C. § 271 *et seq.*

28 7. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

1 8. DraftKings is subject to personal jurisdiction in this District because, based on
2 information and belief, Defendant has transacted business in this District and has committed, by
3 itself or in concert with others, acts of patent infringement in this District. On information and
4 belief, Defendant has conducted business within the State of Nevada. In addition, Defendant
5 offered for sale, sells, advertises, and/or uses its products and services (including the products
6 accused of infringement in this lawsuit) in the United States, the State of Nevada, and this District.
7 Further, Defendant purposefully and voluntarily placed one or more infringing products and
8 services into the stream of commerce with the expectation that they will be used by consumers in
9 the State of Nevada. Defendant also advertises and has transacted business throughout the United
10 States, including in the State of Nevada, and specifically in this District. Defendant has purposely
11 availed itself of the laws of this District by, among other things, advertising and selling its products
12 and services in this District.

13 9. Defendant is subject to this Court's specific and general personal jurisdiction
14 pursuant to due process and/or the Nevada Long Arm Statute, due at least to Defendant's
15 substantial business in this forum, including: (i) at least a portion of the infringements alleged
16 herein; and/or (ii) regularly doing or soliciting business, engaging in other persistent courses of
17 conduct, and/or deriving substantial revenue from goods and services provided to individuals in the
18 State of Nevada and in this District.

19 10. On information and belief, Defendant has operated and continues to operate an
20 interactive website (www.draftkings.com) and mobile application that are accessible to all
21 residents of the State of Nevada, including in this District, through which Defendant advertises and
22 makes available for use certain services and electronic daily fantasy sports contests that are herein
23 accused of infringement. (*See* <https://www.draftkings.com/lobby#/featured>.) On information and
24 belief, Defendant has repeatedly held events promoting and utilizing its products and services
25 accused of infringement in this District. (*See, e.g.*, <https://www.youtube.com/watch?v=AMO9LeJBkjM>,
26 <https://www.facebook.com/draftkings/posts/929970750356764>, <https://rotogrinders.com/pages/draftkings-2015-mlb-world-championship-776884>, <http://playbook.draftkings.com/mlb/draftkings-fantasy-baseball-championship-3m-guaranteed/>, <http://playbook.draftkings.com/nba/nhl-cbb-nba-world-championships-in-las-vegas/>.)

11. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c), and/or 1400(b), as DraftKings is subject to personal jurisdiction in this District.

GENERAL ALLEGATIONS

12. Plaintiffs own innovative technology that is being used by Defendant in its daily fantasy sports business. Like traditional fantasy sports, players draft a team of real-world athletes who then score fantasy points according to set scoring rules. Daily fantasy sports, however, offer contests that may last just one day, instead of being stuck with the same team (or drafted players) throughout a whole season. Accordingly, daily fantasy sports are quicker, more numbers-driven, and provide more “action” for the daily fantasy sports entrants. Before the advent of the Internet, the ability of hundreds of thousands of people participating in daily fantasy sports together in the same contest did not exist.

13. On information and belief, and based on its own admissions, DraftKings is one of the largest on-line sites to offer daily fantasy sports contests. (See <http://cdcgamingreports.com/draftkings-ceo-compares-fantasy-sports-to-chess-stock-investing/>.) DraftKings provides access to its daily fantasy sports gaming platform through its web-based interface and/or mobile applications. DraftKings determines whether its users are over the age of 18 (or 19 in certain jurisdictions) before authorizing the users (or contest entrants) to pay an entry fee for one of its contests.

14. DraftKings offers various types of daily fantasy sports contests that authorize users to “pay to play.” Its gaming platform also allows users to create their own contests where users may specify the amount of money for entry into a contest and the contest parameters before DraftKings offers the contest to other users for acceptance. In this and other ways, users are then matched in contests to compete against one another for the entry-fee dollar amounts according to each contest’s payout rules (or against one another in a head-to-head contest). DraftKings also monitors multiple games and game events on which play is based. This platform generates statistics on game events, payments for various contests and users, and determines outcomes for each contest where the winners of each contest are awarded the winning dollar amounts according to each contest’s payout rules. After the contest is completed, each user’s account is managed or

updated to reflect the appropriate transfer of funds based on a winning or losing entry. (See, e.g., <https://www.draftkings.com/help/faq.>)

3 15. On July 15, 2014, a letter was sent to Defendant notifying Defendant of its
4 infringement of numerous patents. Specifically, at least the following patents were identified as
5 being infringed: U.S. Patent Nos. RE39,818; 6,899,628; 8,641,511; 8,342,924; 7,029,394;
6 6,884,166; and 7,534,169.¹ As noted in the letter, Plaintiffs wanted to reach a negotiated
7 nonlitigation arrangement with Defendant for the identified patents. An agreement was never
8 reached, and Defendant has not ceased infringing Plaintiffs' patents.

CLAIMS FOR RELIEF

**FIRST CLAIM FOR RELIEF
(INFRINGEMENT OF U.S. PATENT NO. RE39,818)**

16. Plaintiffs incorporate by reference paragraphs 1-15 as if fully set forth herein.

17. On September 4, 2007, U.S. Patent No. RE39,818 ("the RE'818 patent") was duly and legally issued by the U.S. Patent and Trademark Office ("PTO") for an invention titled "Personalized Wireless Video Game System" to the listed inventor, Russell D. Slifer. A certified copy of the RE'818 patent is attached as **Exhibit A**.

18. CG Tech is the assignee and owner of the RE'818 patent, with all substantive rights in and to that patent, including the sole and exclusive right to bring this action and enforce the RE'818 patent against infringers, and to collect damages for all relevant times.

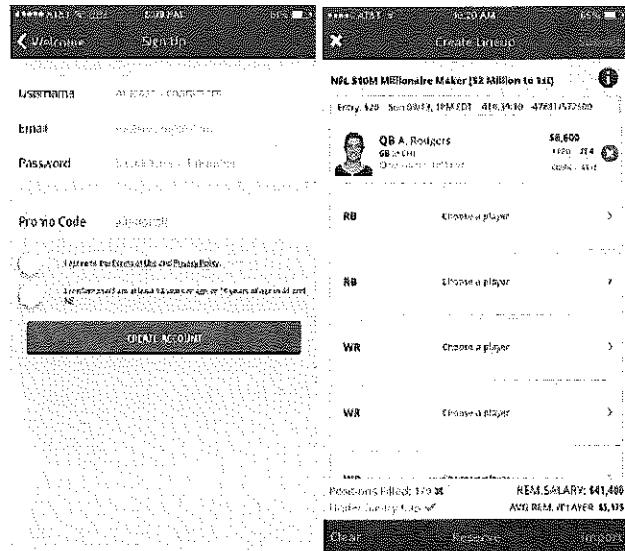
19. Defendant, directly or through its agents, customers, and/or intermediaries, has made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringe (either directly or under the doctrine of equivalents) one or more claims of the RE'818 patent. For instance, on information and belief, Defendant's accused products and/or systems have certain features that transmit both identification code and game control signals to a processor executing an interactive game. Here, the identification code is used

¹ U.S. Patent No. 9,111,417 did not issue until August 18, 2015, and was therefore not in the notice letter.

1 by the processor to retrieve identification data and authorize game play based at least in part on an
 2 age of a player. This is done in a manner that infringes at least claims 1, 20, 24, and 25 of the
 3 RE'818 patent.

4 20. DraftKings' on-line fantasy sports contests contain each limitation of at least one
 5 asserted claim of the RE'818 patent. By way of example only:

6 21. DraftKings' on-line fantasy sports contests meet all requirements of claim 20, which
 7 include (as shown below) "[a] game apparatus comprising: a wireless transmitter to transmit both
 8 an identification code and game control signals to a processor executing a game." (RE'818 patent,
 9 col. 7, ll. 25-28.)



20 22. DraftKings' on-line fantasy sports contests include an "identification code . . . used
 21 by the processor to retrieve identification data and authorize game play based at least in part on an
 22 age of a player." (*Id.* at col. 7, ll. 28-30.)

23 ...

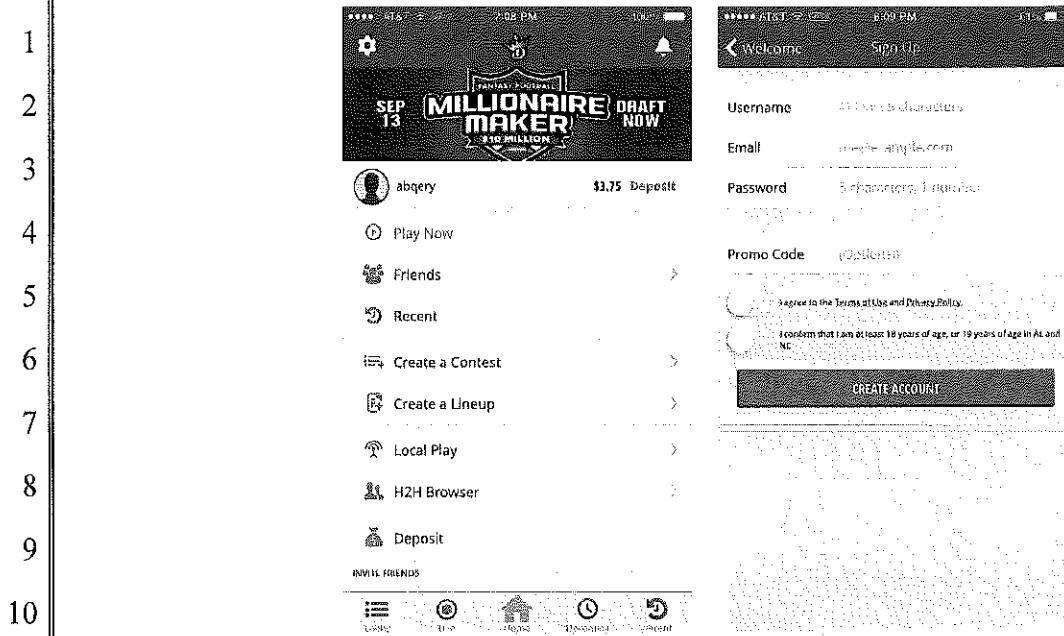
24 ...

25 ...

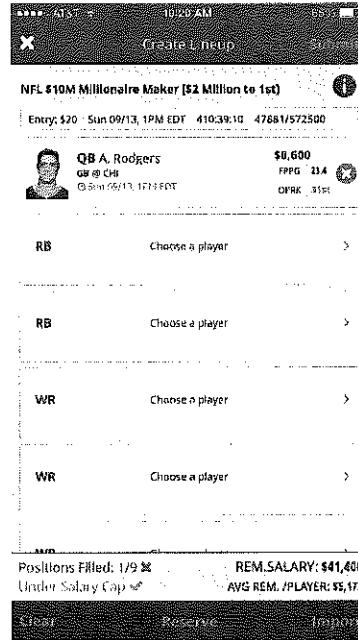
26 ...

27 ...

28 ...



11 23. DraftKings' on-line fantasy sports contests include "a plurality of input controls to
 12 allow the player to interact with the processor to play the game." (*Id.* at col. 7, ll. 31-32.)



23 24. Defendant does not have a license or permission to use the RE'818 patent.

24 25. As a result of Defendant's infringement of the RE'818 patent, CG Tech has suffered
 25 and continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty
 26 and/or lost profits.

27 26. In a letter dated July 15, 2014, notice was provided to Defendant of the RE'818
 28 patent and Defendant's infringing conduct.

1 27. Despite the knowledge of the RE'818 patent, Defendant has continued to infringe
2 this patent. Defendant acted with reckless disregard of the RE'818 patent by continuing to infringe
3 the patent when it knew or should have known that its actions constituted infringement.

**SECOND CLAIM FOR RELIEF
(INFRINGEMENT OF U.S. PATENT NO. 6,899,628)**

28. Plaintiffs incorporate by reference paragraphs 1-27 as if fully set forth herein.

7 29. On May 31, 2005, U.S. Patent No. 6,899,628 ("the '628 patent") was duly and
8 legally issued by the PTO for an invention titled "System and Method for Providing Game Event
9 Management to a User of a Gaming Application" to the listed inventors Fergus A. Leen, Sam B.
10 Lawrence, David G. McNally, Clive Hetherington, David M. McDowell, and Kevin R. O'Neal. A
11 certified copy of the '628 patent is attached as **Exhibit B**.

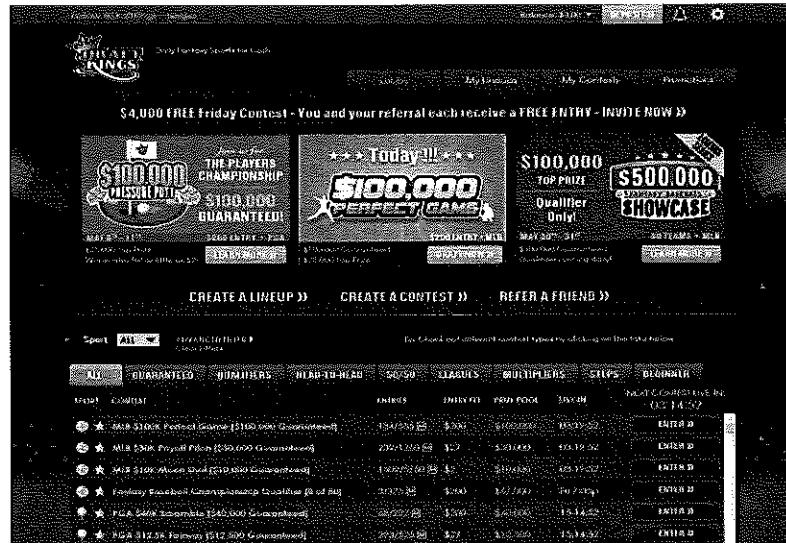
12 30. IG Limited is the assignee and sole owner of the '628 patent, with all substantive
13 rights in and to that patent, including the sole and exclusive right to bring this action and enforce
14 the '628 patent against infringers, and to collect damages for all relevant times.

15 31. Defendant, directly or through its agents, customers, and/or intermediaries, has
16 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products
17 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more
18 claims of the '628 patent. For instance, on information and belief, Defendant's accused products
19 and/or systems have certain features that manage game events through a gaming application
20 accessible to remote users. Here, the gaming application monitors a plurality of game events,
21 communicates event information associated with at least one game event, and generates a pay
22 record based on the event information, where the pay record is associated with an entry fee
23 between a plurality of users. This is done in a manner that infringes at least claim 31 of the
24 '628 patent.

32. DraftKings' on-line fantasy sports contests contain each limitation of at least
claim 31 of the '628 patent. By way of example only:

27 33. DraftKings' on-line fantasy sports contests meet all requirements of claim 31, which
28 include (as shown below) “[a] server for managing game events, comprising: a processor that

1 executes a gaming application that is accessed by a remote user via a network.” (’628 patent,
 2 col. 23, ll. 62-64.)



12 34. DraftKings’ on-line fantasy sports contests include “a monitor module coupled to
 13 the processor that monitors a plurality of game events during the execution of the gaming
 14 application by the user.” (*Id.* at col. 23, ll. 65-67.)

MLB \$10K MOON SHOT (\$1,000 TO 1ST)				PRIZE POOL \$10,000.00				FULL CONTEST RULES & PRIZES			
START TIME: JUN 09, 7:05 PM EST				SPORT: MLB				TEAMS: 5003			
POS: 1				NAME: patcherb13				STATUS: COMPLETED			
P	NAME	GAME	SCORING	PFTS	POS	NAME	GAME	SCORING	PFTS	POS	NAME
P	Charles Morton	CHC 2 PIT 6 Final	1W, 7K, 1ER, 7IP, 6H	29.16	P	Charles Morton	CHC 2 PIT 6 Final	1W, 7K, 1ER, 7IP, 6H	29.16	P	Charles Morton
P	Hyun	WAS 9 SF 2 Final	8K, 6ER, 6IP, 2BB, 9H	6.9	P	Stephen Strasburg	WAS 9 SF 2 Final	1W, 7K, 1ER, 6IP, 4H	27.1	P	Stephen Strasburg
C	Russell	CHC 2 PIT 6 Final		0	C	Michael	ATL 3 COL 1 Final	1H	3	C	Michael
1B	Mike	BOS 0 BAL 4 Final		0	1B	Rio	CHC 2 PIT 6 Final	1R, 1H, 1HR, 1RBI, 1BB	16	1B	Rio
2B	Dustin	ATL 3 COL 1 Final		0	2B	Jason	CLE 17 TEX 7 Final	3R, 3H, 4RBI, 1SB	29	2B	Jason
3B	Trevor	MIN 4 TOR 6 Final		0	3B	Levi	CLE 17 TEX 7 Final	3R, 5H, 12R, 3HR, 9RBI	62	3B	Levi
SS	Zack	LAD 6 CIN 2 Final	1H	3	SS	Jose	MIN 4 TOR 5 Final	1R, 3H, 1HR, 1RBI, 2SB	20	SS	Jose
OF	Coco	OAK 1 LAA 4 Final		0	OF	Michael	CLE 17 TEX 7 Final	6R, 3H, 1HR, 1RBI, 2BB	32	OF	Michael
OF	Dustin	OAK 1 LAA 4 Final	1H	3	OF	Colby	ATL 3 COL 1 Final	1R, 1H, 1HR, 1RBI, 1BB	10	OF	Colby
OF	Adam	BOS 0 BAL 4 Final	1R, 3H, 1HR, 1RBI	20	OF	Scott	LAD 6 CIN 2 Final	3R, 3H, 2HR, 4RBI, 2BB	41	OF	Scott

26 35. DraftKings’ on-line fantasy sports contests include “an interface coupled to the
 27 processor that communicates event information associated with at least one of the game events to
 28 an enhanced services platform remote from the server.” (*Id.* at col. 24, ll. 1-4.)

CURRENTLY IN 4988TH				
POS	NAME	GAME	SCORING	FPTS
P	David Martin	CHC 2 PIT 6 Final	1 W, 7 K, 1 ER, 7 IP, 5 H	88.16
P	Ryan Veselung	WAS 9 SF 2 Final	6 K, 0 ER, 6 IP, 2 BB, 9 H	6.9
C	Russell Martin	CHC 2 PIT 6 Final		0
1B	Mike Napoli	BOS 0 BAL 4 Final		0
2B	Josh Reddick	ATL 3 COL 1 Final		0
3B	Trevor Plouffe	MIN 4 TOR 5 Final		0
SS	Zack Cozart	LAD 6 CIN 2 Final	1 H	3
OF	Colby Crisp	OAK 1 LAA 4 Final		0
OF	Josh Harrison	OAK 1 LAA 4 Final	1 H	3
OF	Adam Jones	BOS 0 BAL 4 Final	1 R, 0 H, 1 HR, 1 RBI	20
TOTAL FANTASY POINTS: 61.05				

36. DraftKings' on-line fantasy sports contests include "generat[ing] a wager record associated with a wager between a plurality of users based on at least one of the first event information and the second event information." (*Id.* at col. 24, ll. 4-7.)

Completed Contests									
ID	Game	Completed	Entry Fee	Prize Pool	Place	\$ Won			
904755	MLB \$10K Moon Shot (\$1,000 to 1st)	6/9/2014	\$2.00	\$10,000.00	4988	\$0.00			
MLB \$10K MOON SHOT (\$1,000 TO 1ST) PRIZE POOL \$10,000.00									
START TIME	JUN 09, 7:05 PM EST	SPORT:	MLB	TEAMS: 6963	STATUS: COMPLETED	POSITIONS PAID: 1130			
FULL CONTEST RULES & PRIZES									
PATCHERB13	P	YTP	PIR	\$300,000 PUNCH OUT	PIR	YTP	P	BMARPI3888	283.25
61.05	10	0	0		0	0	10		
CURRENTLY IN 4988TH					CURRENTLY IN 1ST	REMATCH			
patcherb13							1 - bmarpi3888		

37. Defendant does not have a license or permission to use the '628 patent.

38. As a result of Defendant's infringement of the '628 patent, IG Limited has suffered and continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits.

39. In a letter dated July 15, 2014, notice was provided to Defendant of the '628 patent and Defendant's infringing conduct.

40. Despite the knowledge of the '628 patent, Defendant has continued to infringe this patent. Defendant acted with reckless disregard of the '628 patent by continuing to infringe the patent when it knew or should have known that its actions constituted infringement.

**THIRD CLAIM FOR RELIEF
(INFRINGEMENT OF U.S. PATENT NO. 9,111,417)**

41. Plaintiffs incorporate by reference paragraphs 1-40 as if fully set forth herein.

42. On August 18, 2015, U.S. Patent No. 9,111,417 ("the '417 patent") was duly and legally issued by the PTO for an invention titled "System and Method for Providing Enhanced Services to a User of a Gaming Application" to the listed inventors Fergus A. Leen, Sam B. Lawrence, David G. McNally, Clive Hetherington, David M. McDowell, and Kevin R. O'Neal. A certified copy of the '417 patent is attached as **Exhibit C**.

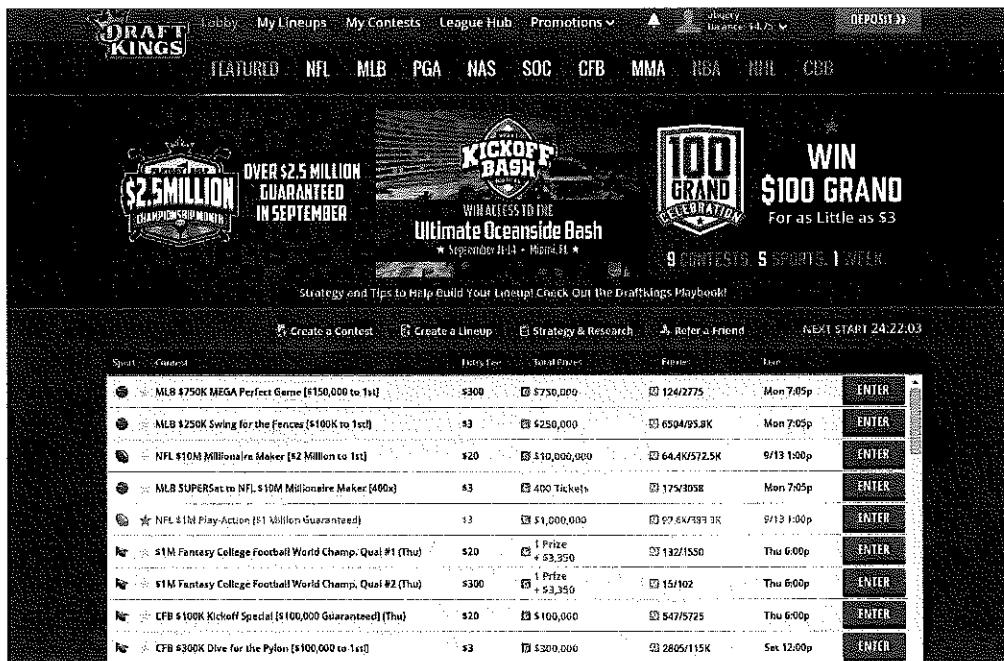
43. IG Limited is the assignee and sole owner of the '417 patent, with all substantive rights in and to that patent, including the sole and exclusive right to bring this action and enforce the '417 patent against infringers, and to collect damages for all relevant times.

44. Defendant, directly or through its agents, customers, and/or intermediaries, has made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringe (either directly or under the doctrine of equivalents) one or more claims of the '417 patent. For instance, on information and belief, Defendant's accused products and/or systems have certain features that provide a sports game to users through its respective computing devices over a communications network. On information and belief, Defendant's accused products and/or systems present users with a graphical user interface that allows users to generate an entry fee where an offer includes a payment amount, an option to present the entry fee offer to other users, and receive from a plurality of other users an acceptance of the entry fee. In addition, during the playing of the game, Defendant's accused products and/or systems offer certain features that generate statistics for multiple users of the game, including presenting a portion of the statistics information for the users. At the end of the game, an outcome is determined and funds are transferred to at least one user who played (and "won") the game. This is done in a manner that infringes at least claim 1 of the '417 patent.

45. DraftKings' on-line fantasy sports contests contain each limitation of at least claim 1 of the '417 patent. By way of example only:

46. DraftKings' on-line fantasy sports contests meet all requirements of claim 1, which

1 include (as shown below) “[a] system comprising at least one processor and at least one non-
 2 volatile memory having software stored thereon that when executed by the at least one processor
 3 directs the at least one processor to: provide a game via a communications network to users via
 4 respective computing devices of the users, wherein the game is a sports game, an arcade game, a
 5 card game, or an adventure game.” (’417 patent, col. 20, ll. 20-27.)



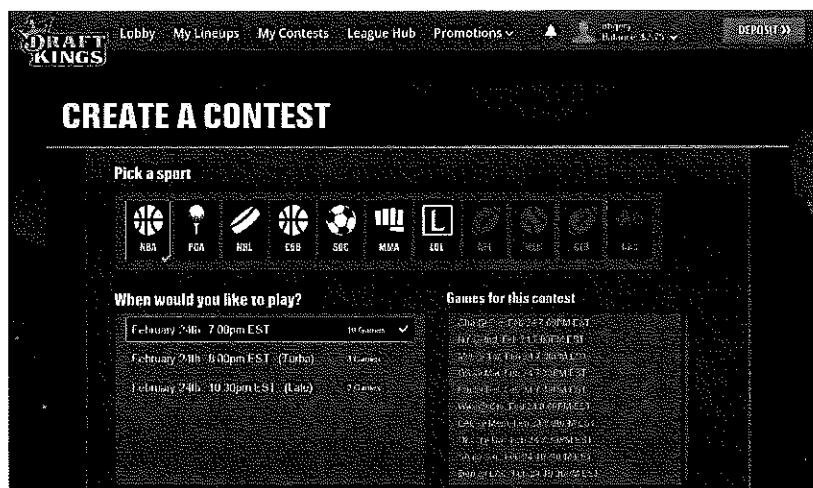
The screenshot shows the DraftKings homepage with several promotional banners:

- \$2.5 MILLION CHAMPIONSHIP SERIES** (OVER \$2.5 MILLION GUARANTEED IN SEPTEMBER)
- KICKOFF BASH** (WIN ACCESS TO THE Ultimate Oceanside Bash, September 14-17, Miami, FL)
- 100 GRAND CELEBRATION** (WIN \$100 GRAND For as Little as \$3)
- 9 CONTESTS. 5 SPORTS. 1 WEEK.**

Below the banners, there are links for "Create a Contest", "Create a Lineup", "Strategy & Research", and "Refer a Friend". A "NEXT START 24/22/03" button is visible. The main content area displays a table of contests:

Contest	Entry Fee	Total Prize	Entries	Time	Action
MLB #750K MEGA Perfect Game (\$150,000 to 1st)	\$300	\$750,000	124/2775	Mon 7:05p	ENTER
MLB \$250K Swing for the Fences (\$100K to 1st)	\$3	\$250,000	6594/954K	Mon 7:05p	ENTER
NFL \$10M Millionaire Maker (\$2 Million to 1st)	\$20	\$10,000,000	64.4K/572.5K	9/13 1:00p	ENTER
MLB SUPERSTAR NFL \$10M Millionaire Maker (400x)	\$3	400 Tickets	175/3038	Mon 7:05p	ENTER
NFL \$1M Play-Action (\$1 Million Guaranteed)	\$3	\$1,000,000	67.6K/193.3K	9/13 1:00p	ENTER
\$1M Fantasy College Football World Champ. Qual #1 (Thu)	\$20	1 Prize + \$3,350	132/1550	Thu 6:00p	ENTER
\$1M Fantasy College Football World Champ. Qual #2 (Thu)	\$300	1 Prize + \$3,350	15/102	Thu 6:00p	ENTER
CFB \$100K Kickoff Special (\$100,000 Guaranteed) (Thu)	\$20	\$100,000	547/5725	Thu 6:00p	ENTER
CFB \$300K Dive for the Pylon (\$100,000 to 1st)	\$3	\$300,000	2865/115K	Sat 12:00p	ENTER

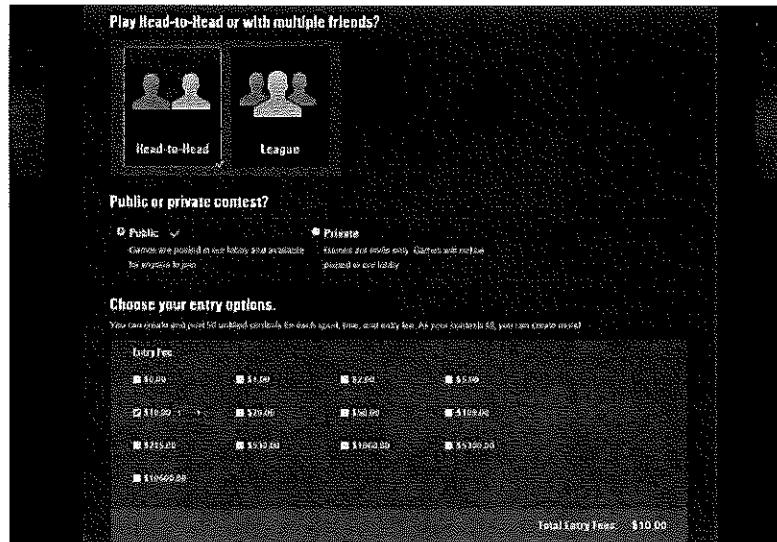
17 47. DraftKings' on-line fantasy sports contests include, "responsive to a request from
 18 one of the users, caus[ing] a graphical user interface to be presented to the user at the user's
 19 computing device, wherein the graphical user interface allows the user to offer a wager to other
 20 users." (*Id.* at col. 20, ll. 28-31.)



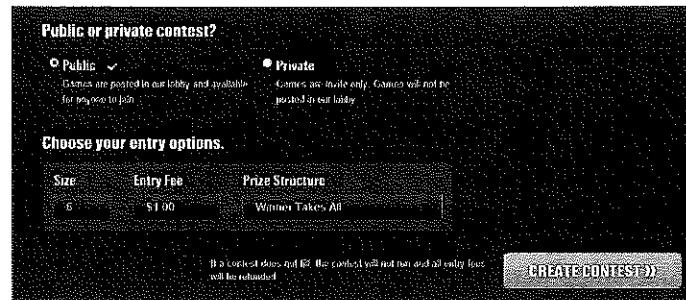
The screenshot shows the "CREATE A CONTEST" page with the following sections:

- Pick a sport:** NBA, PGA, NFL, ESB, SEC, MMA, LOL, NFL, NFL, NFL, NFL
- When would you like to play?** February 24th, 7:00pm EST (10 Games)
- Games for this contest:** (List of games including NFL, NBA, MMA, etc.)

1 48. DraftKings' on-line fantasy sports contests include, "responsive to presenting the
 2 graphical user interface to the user, receiv[ing] from that user a request to generate a wager offer,
 3 wherein the wager offer includes a wager amount." (*Id.* at col. 20, ll. 32-34.)



13 49. DraftKings' on-line fantasy sports contests include, "responsive to receiving the
 14 request to generate the wager offer, present[ing] the wager offer to other users via respective
 15 computing devices of the other users." (*Id.* at col. 20, ll. 35-37.)



21 50. DraftKings' on-line fantasy sports contests include "receiv[ing] from a plurality of
 22 the other users an acceptance of the wager offer, each acceptance at the wager amount." (*Id.* at
 23 col. 20, ll. 38-39.)

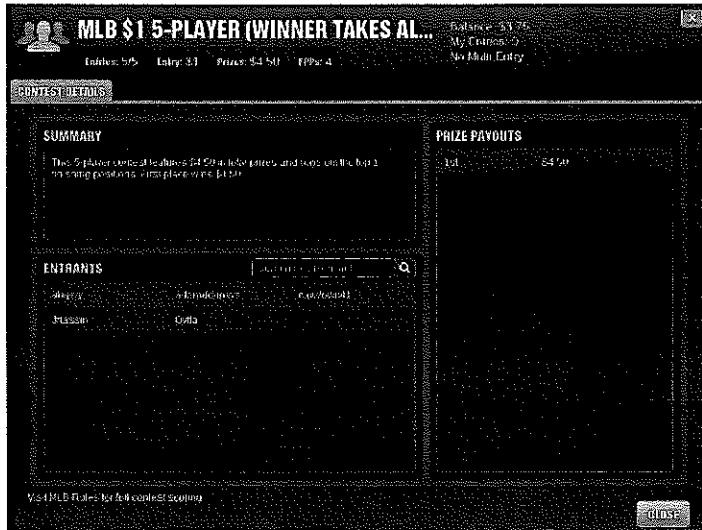
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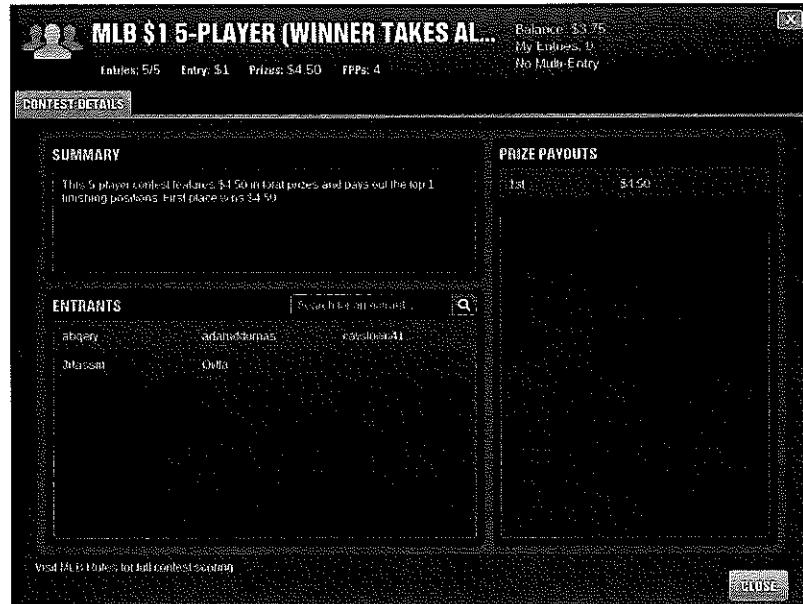


51. DraftKings' on-line fantasy sports contests include, "during a playing of the game by a plurality of the users: generat[ing] statistics information related to at least a first and a second of the users playing the game." (*Id.* at col. 20, ll. 40-42.)

MLB \$1 5-PLAYER (WINNER TAKES ALL) BY ABQUERY (TURBO)					TOTAL PRIZES \$4,500		FIVE CONTESTS X \$900		
START TIME	AUG 31 8:05 PM EST	SPORT	MLB	TEAMS	5	STATUS	LIVE	POSITIONS PAID	1
TELEPHONE: 702.369.6800									
WELLS FARGO TOWER SUITE 1500, 3800 HOWARD HUGHES PARKWAY LAS VEGAS, NV 89169									
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.									
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52. DraftKings' on-line fantasy sports contests include, "at end of the game, determin[ing] an outcome of the wagers resulting from the users that accepted the wager offer, wherein . . . determin[ing] the outcome of the wagers includes . . . transfer[ring] funds to at least one user who played the game." (*Id.* at col. 20, ll. 49-53.)

27
28
...



53. Defendant does not have a license or permission to use the '417 patent.

54. As a result of Defendant's infringement of the '417 patent, IG Limited has suffered and continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits.

**FOURTH CLAIM FOR RELIEF
(INFRINGEMENT OF U.S. PATENT NO. 8,641,511)**

55. Plaintiffs incorporate by reference paragraphs 1-54 as if fully set forth herein.

56. On February 4, 2014, U.S. Patent No. 8,641,511 (“the ‘511 patent”) was duly and legally issued by the PTO for an invention titled “Real-Time Interactive Wagering on Event Outcomes” to the listed inventors Philip M. Ginsberg, Howard W. Lutnick, Andrew C. Gilbert, and Lewis Findlay. A certified copy of the ‘511 patent is attached as **Exhibit D**.

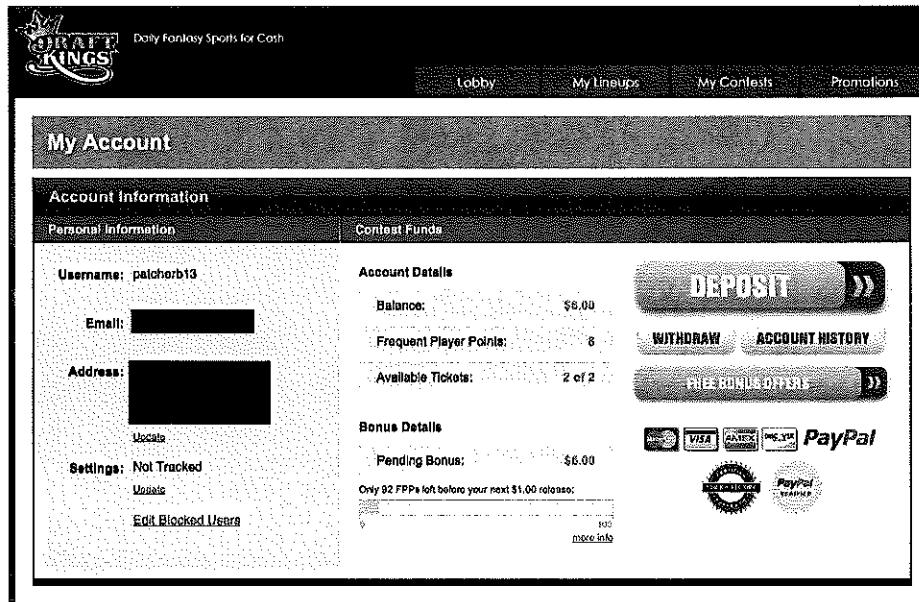
57. IG LLC is the assignee and sole owner of the '511 patent, with all substantive rights in and to that patent, including the sole and exclusive right to bring this action and enforce the '511 patent against infringers, and to collect damages for all relevant times.

58. Defendant, directly or through its agents, customers, and/or intermediaries, has made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringe (either directly or under the doctrine of equivalents) one or more claims of the '511 patent. For instance, on information and belief, Defendant's accused products

1 and/or systems have certain features that open a gaming account for a user and establish an amount
 2 of funds in the gaming account that may be used to play games. The system allows the user to
 3 access the gaming account from a computing device after verifying login credentials. The system
 4 displays a set of events on which games are based and receives requests from users to enter into a
 5 game based on at least one event. Here, the system matches requests from users to enter into a
 6 opposite sides of a game, thereby forming an obligation to pay the users for winning the game.
 7 The infringing system also manages the account funds based on placement of entry fees by the
 8 users as well as the final outcomes of any of the games. This is done in a manner that infringes at
 9 least claim 16 of the '511 patent.

10 59. DraftKings' on-line fantasy sports contests contain each limitation of at least claim
 11 16 of the '511 patent. By way of example only:

12 60. DraftKings' on-line fantasy sports contests meet all requirements of claim 16, which
 13 include (as shown below) "[a] method comprising: opening, by a computer system, a gaming
 14 account for a client; [and] establishing, by the computer system, an amount of consideration in the
 15 gaming account of the client, in which the money may be used to play games." ('511 patent,
 16 col. 13, ll. 17-22.)



27 61. DraftKings' on-line fantasy sports contests include "authorizing, by the computer
 28 system, the client to access the gaming account from a computing device by verifying login

1 credentials of the client received from the computing device.” (*Id.* at col. 13, ll. 24-27.)



7 DraftKings’ on-line fantasy sports contests include “receiving, by the computer
 8 system, a first request from the client to enter into a game based on at least one event; receiving, by
 9 the computer system, a second request from another client to enter into an opposite side of the
 10 game based on the at least one event; [and] matching, by the computer system, the first request and
 11 the second request in response to receiving the first offer and the second offer into the game, in
 12 which the game includes a game between the client and the other client.” (*Id.* at col. 13, l. 33 to
 13 col. 14, l. 2.)

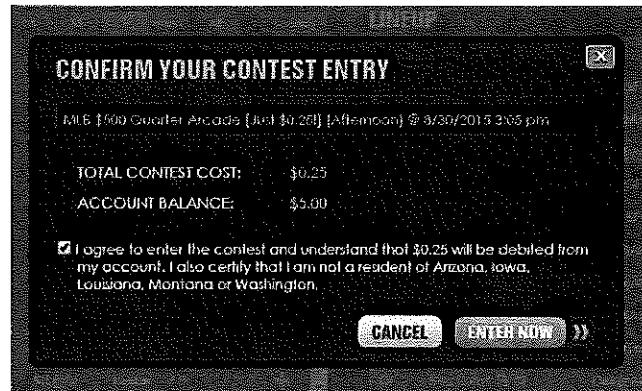
Rank	Prize
1st	\$50.00
2nd	\$25.00
3rd	\$15.00
4th	\$10.00
5th	\$9.00
6th	\$7.00
7th - 8th	\$5.50
9th - 10th	\$4.00
11th - 15th	\$3.50
16th - 20th	\$3.00
21st - 25th	\$2.50
26th - 30th	\$2.00

27 DraftKings’ on-line fantasy sports contests include “forming, by the computer
 28 system, one obligation with a gaming operator to pay the first client for winning the game with the

1 client and forming one other obligation with the gaming operator to pay the second client for
 2 winning the game with the other client." (*Id.* at col. 14, ll. 3-7.)

PRIZE PAYOUTS	
1st	\$50.00
2nd	\$25.00
3rd	\$15.00
4th	\$10.00
5th	\$9.00
6th	\$7.00
7th - 8th	\$5.50
9th - 10th	\$4.00
11th - 15th	\$3.50
16th - 20th	\$3.00
21st - 25th	\$2.50
26th - 30th	\$2.00
31st - 40th	\$1.50

11 64. DraftKings' on-line fantasy sports contests include "managing, by the computer
 12 system, the amount of consideration in the wagering account credits based on placement of the one
 13 or more wagers and outcomes of the one or more wagers." (*Id.* at col. 14, ll. 8-11.)



21 65. Defendant does not have a license or permission to use the '511 patent.

22 66. As a result of Defendant's infringement of the '511 patent, IG LLC has suffered and
 23 continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty
 24 and/or lost profits.

25 67. In a letter dated July 15, 2014, notice was provided to Defendant of the '511 patent
 26 and Defendant's infringing conduct.

27 68. Despite the knowledge of the '511 patent, Defendant has continued to infringe this
 28 patent. Defendant acted with reckless disregard of the '511 patent by continuing to infringe the

1 patent when it knew or should have known that its actions constituted infringement.

2 69. Defendant has indirectly infringed the '511 patent, both via contributory and
3 induced infringement. The direct infringement underlying Defendant's indirect infringement of the
4 '511 patent consists of its end-user customers' use of its daily fantasy sports technology.

5 70. Defendant has induced and is continuing to induce its end-user customers to use the
6 accused systems, and specifically to use them in a manner that it knows infringes the '511 patent.
7 Defendant has done so by (1) providing detailed instructions to its customers explaining how to use
8 the daily fantasy sports features (*see, e.g.*, <https://www.draftkings.com/how-to-play>,
9 https://www.youtube.com/watch?v=W_0rEGbJVbE, <https://www.draftkings.com/help/faq>); and
10 (2) touting and advertising these features to its customers (*see, e.g.*,
11 <https://www.youtube.com/watch?v=NvLJJqbGs8>, https://www.youtube.com/watch?v=yHoPa9_KzU0).

12 71. Defendant has contributed to and is continuing to contribute to the infringement
13 (either directly or under the doctrine of equivalents) of the '511 patent by end-user customers by
14 making and selling its daily fantasy sports product, which is especially made for use by end-user
15 customers in a manner that infringes the '511 patent and has no substantial noninfringing uses. In
16 particular, the feature permits end-user customers to open a gaming account that includes
17 depositing funds that may be used to play games while also allowing the end-user customers to
18 access the gaming account from a computing device. In turn, Defendant's products and/or systems
19 display a set of events on which games are based, and then match requests from users to enter into
20 a game on opposite sides that form an obligation to pay the end-user customers for winning the
21 game, and manage the account funds based on placement of entry fees by the end-user customers
22 and the outcomes of the games. This feature is expressly defined by the Defendant in the user's
23 instruction, and has no practical use other than a use that infringes the '511 patent. The use of this
24 feature by end-user customers of Defendant for its intended purpose necessarily results in
25 infringement of at least claim 16 of the '511 patent.

26 72. Defendant had knowledge of the '511 patent since receiving notice on or about July
27 15, 2014.

28 73. Defendant therefore has induced and contributed to acts of direct infringement, and

1 is continuing to do so, with the specific intent and knowledge that others would infringe at least
2 one claim of the '511 patent.

**FIFTH CLAIM FOR RELIEF
(INFRINGEMENT OF U.S. PATENT NO. 8,342,924)**

74. Plaintiffs incorporate by reference paragraphs 1-73 as if fully set forth herein.

6 75. On January 1, 2013, U.S. Patent No. 8,342,924 (“the ’924 patent”) was duly and
7 legally issued by the PTO for an invention titled “System and Method for Providing Enhanced
8 Services to a User of a Gaming Application” to the listed inventors Fergus A. Leen, Sam B.
9 Lawrence, David G. McNally, Clive Hetherington, David M. McDowell, and Kevin R. O’Neal. A
10 certified copy of the ’924 patent is attached as **Exhibit E**.

11 76. IG Limited is the assignee and sole owner of the '924 patent, with all substantive
12 rights in and to that patent, including the sole and exclusive right to bring this action and enforce
13 the '924 patent against infringers, and to collect damages for all relevant times.

14 77. Defendant, directly or through its agents, customers, and/or intermediaries, has
15 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products
16 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more
17 claims of the '924 patent. For example, on information and belief, Defendant's accused products
18 and/or systems have certain features that receive information during the playing of a game (the
19 information associated with at least one event initiated by a user), and generate statistics based at
20 least in part on the information, where the statistics are electronically displayed to another user.
21 This is done in a manner that infringes at least claim 11 of the '924 patent.

23 78. DraftKings' on-line fantasy sports contests contain each limitation of at least claim
24 11 of the '924 patent. By way of example only:

25 79. DraftKings' on-line fantasy sports contests meet all requirements of claim 11, which
26 include (as shown below) “[a]n apparatus comprising: at least one processor; and at least one
27 memory device electronically coupled to the at least one processor, wherein the at least one
28 memory device stores instructions which, when executed by the at least one processor, direct the at

1 least one processor to: receive information associated with at least one event initiated by a user
 2 within a context of playing a game, wherein the information is received during the playing of the
 3 game by the user.” (’924 patent, col. 21, ll. 4-13.)

POS	PLAYER	OPP	FPPG	SALARY
OF	Alex Gordon	NY@KC	7.8	\$4,300
OF	Denard Span	Was@SD	7.8	\$4,200
OF	Rajai Davis	Bos@Det	8.2	\$4,200
OF	Angel Pagan	NYM@SF	8.0	\$4,200
OF	Jason Hayward	Atl@Arl	7.7	\$4,100
OF	Geronimo Parra	Atl@Arl	7.3	\$4,100
1B/OF	Michael Morse	NYM@SF	7.9	\$4,100
OF	Bryce Harper	Was@SD	6.4	\$4,000
C/OF	Evan Gattis	Atl@Arl	7.1	\$3,900
OF	Torii Hunter	Bos@Det	7.5	\$3,900

POS	PLAYER	OPP	FPPG	SALARY
P	Max Scherzer	Bos@Det	22.1	\$10,000
P	Wade Miley	Alt@Arl	14.4	\$7,000
C	Miguel Montero	Alt@Arl	7.2	\$4,200
1B	Paul Goldschmidt	Alt@Arl	8.4	\$5,100
2B	Brandon Hicks	NYM@SF	6.1	\$3,200
3B	David Wright	NYM@SF	7.3	\$4,800
SS	Didi Gregorius	Alt@Arl	10.5	\$3,600
OF	Coco Crisp	Oak@Bal	7.9	\$3,600
OF	Nick Markakis	Oak@Bal	7.6	\$4,100
OF	Brett Gardner	NY@KC	8.1	\$4,000

16 80. DraftKings’ on-line fantasy sports contests include, “based at least in part on the
 17 information, generat[ing] statistics information, wherein the statistics information is associated
 18 with the user with respect to the playing of the game; and caus[ing] to be electronically displayed
 19 to another user at least the statistics information.” (*Id.* at col. 21, ll. 14-19.)

MLB \$1 HEAD-TO-HEAD VS. BATTERY1975				PRIZE POOL \$1.80				FULL CONTEST RULES & PRIZES																	
START TIME		JUN 07, 7:15 PM EST		SPORT		MLB		TEAMS		2		STATUS		COMPLETED		POSITIONS PAID		1							
PATCHERB13	P	YTP	PIR	\$300,000 PUNCHOUT				PIR	YTP	P	BATTERY1975														
112.95	10	0	0	\$300,000 PUNCHOUT				0	0	10	117.85														
CURRENTLY IN 2ND																									
POS	NAME	GAME	SCORING	PPTS	POS	NAME	GAME	SCORING	PPTS	DEMATCH															
P	Wade Miley	ATL 3 ARI 4 Final	5 K, 1 ER, 7 IP, 6 H	20.15	P	Tim Hudson	NYM 4 SF 5 Final	5 K, 3 ER, 5 IP, 3 BB, 9 H	8.05																
P	Max Scherzer	BOS 6 DET 8 Final	1 W, 9 K, 4 ER, 0.2 IP, 1 BB, 11 H	21.8	P	Max Scherzer	BOS 6 DET 8 Final	1 W, 9 K, 4 ER, 0.2 IP, 1 BB, 11 H	21.8																
Q	Miguel Montero	ATL 3 ARI 4 Final	1 R, 1 H, 1 HR, 1 RBI	14	Q	Caleb Joseph	OAK 3 BAL 6 Final	1 R, 1 H, 12B, 1 RBI	0																
1B	Paul Goldschmidt	ATL 3 ARI 4 Final	7 H, 1 BB	5	1B	Chris Johnson	ATL 3 ARI 4 Final		0																
2B	Brandan Maka	NYM 4 SF 5 Final	1 R	2	2B	Yoenis Cespedes	NYY 4 KC 6 Final	1 R, 2 H, 12B, 2 RBI, 1 BB	10																
3B	David Wright	NYM 4 SF 5 Final	1 R, 1 H	5	3B	Angel Cabrera	BOS 6 DET 8 Final	1 R, 3 H, 2 2B, 1 RBI, 1 BB	10																
SS	Dan Uggla	ATL 3 ARI 4 Final	1 H, 2 BB, 1 SB	12	SS	Andrelton Simmons	ATL 3 ARI 4 Final	1 R, 2 H, 12B, 1 CS	0																
OF	Coco Crisp	OAK 3 BAL 6 Final	2 R, 3 H, 12B, 1 HR, 1 RBI	24	OF	Evan Gattis	ATL 3 ARI 4 Final	0 H, 2 2B, 1 RBI	15																
OF	Brett Gardner	NYY 4 KC 6 Final		0	OF	Jason Heyward	ATL 3 ARI 4 Final	1 R, 1 H, 1 HR, 2 RBI	10																
OF	Mark Reynolds	OAK 3 BAL 6 Final	1 R, 1 H, 1 RBI, 1 BB	9	OF	Justin Upton	ATL 3 ARI 4 Final	1 R, 1 H	5																
TOTAL FANTASY POINTS: 112.95																									
TOTAL FANTASY POINTS: 117.85																									

81. Defendant does not have a license or permission to use the '924 patent.
 82. As a result of Defendant's infringement of the '924 patent, IG Limited has suffered and continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits.

83. In a letter dated July 15, 2014, notice was provided to Defendant of the '924 patent and Defendant's infringing conduct.

84. Despite the knowledge of the '924 patent, Defendant has continued to infringe this patent. Defendant acted with reckless disregard of the '924 patent by continuing to infringe the patent when it knew or should have known that its actions constituted infringement.

SIXTH CLAIM FOR RELIEF (INFRINGEMENT OF U.S. PATENT NO. 7,029,394)

85. Plaintiffs incorporate by reference paragraphs 1-84 as if fully set forth herein.
 86. On April 18, 2006, U.S. Patent No. 7,029,394 ("the '394 patent") was duly and legally issued by the PTO for an invention titled "System and Method for Generating Statistics for a User of a Gaming Application" to the listed inventors Fergus A. Leen, Sam B. Lawrence, David

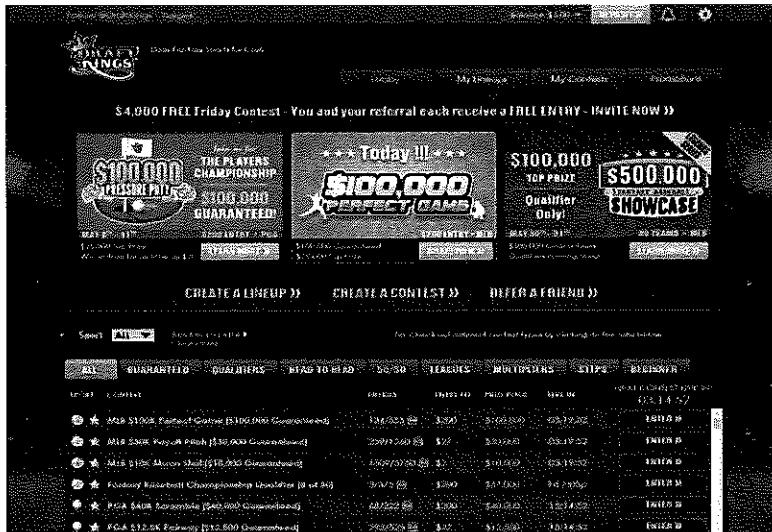
1 G. McNally, Clive Hetherington, David M. McDowell, and Kevin R. O'Neal. A certified copy of
2 the '394 patent is attached as **Exhibit F**.

3 87. IG Limited is the assignee and sole owner of the '394 patent, with all substantive
4 rights in and to that patent, including the sole and exclusive right to bring this action and enforce
5 the '394 patent against infringers, and to collect damages for all relevant times.

6 88. Defendant, directly or through its agents, customers, and/or intermediaries, has
7 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products
8 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more
9 claims of the '394 patent. Specifically, Defendant's accused products and/or systems have certain
10 features that execute a gaming application; monitor a plurality of game events; communicate first
11 and second event information associated with a first and second game event; generate statistics
12 based at least in part on the first event information, the second event information, and entry-fee
13 records; and determine an outcome using the statistics. This is done in a manner that infringes at
14 least claim 1 of the '394 patent.

15 89. DraftKings' on-line fantasy sports contests contain each limitation of at least claim
16 1 of the '394 patent. By way of example only:

17 90. DraftKings' on-line fantasy sports contests meet all requirements of claim 1, which
18 include (as shown below) “[a] system for generating statistics information, comprising: a server
19 that: executes a gaming application.” (’394 patent, col. 20, ll. 46-49.)



1 91. DraftKings' on-line fantasy sports contests include "monitor[ing] a plurality of
 2 game events during the execution of the gaming application by a user; communicat[ing] first event
 3 information associated with a first game event; and communicat[ing] second event information
 4 associated with a second game event." (*Id.* at col. 20, ll. 50-55.)

POS	NAME	GAME	SCORING	FPTS	POS	NAME	GAME	SCORING	FPTS
P	Wade Mayr 	ATL 3 ARI 4 Final	5 K, 1 ER, 7 IP, 6 H	20.15	P	Tim Hudson 	NYM 4 SF 5 Final	5 K, 3 ER, 5 IP, 3 BB, 9 H	8.05
P	Max Scherzer 	BOS 6 DET 8 Final	1 W, 9 X, 4 ER, 6 2/3 IP, 1 BB, 11 H	21.8	P	Max Scherzer 	BOS 6 DET 8 Final	1 W, 9 X, 4 ER, 6 2/3 IP, 1 BB, 11 H	21.8
C	Keegan Montero 	ATL 3 ARI 4 Final	1 R, 1 H, 1 BB, 1 RBI	14	C	David Joseph 	OAK 3 BAL 6 Final	1 R, 1 H, 1 BB, 1 RBI	8
1B	Paul Goldschmidt 	ATL 3 ARI 4 Final	1 H, 1 BB	5	1B	Chris Johnson 	ATL 3 ARI 4 Final		0
2B	Brandon Hicks 	NYM 4 SF 5 Final	1 R	2	2B	Yangtze Saito 	NYY 4 KC 8 Final	1 R, 2 H, 1 BB, 2 RBB, 1 BB	10
3B	David Wright 	NYM 4 SF 5 Final	1 R, 1 H	5	3B	Miguel Cabrera 	BOS 6 DET 8 Final	1 R, 3 H, 2 BB, 1 RBI, 1 BB	19
SS	Deidi Gregorius 	ATL 3 ARI 4 Final	1 H, 2 BB, 1 SB	12	SS	Andrelton Simmons 	ATL 3 ARI 4 Final	1 R, 2 H, 1 BB, 1 CS	8
OF	Coco Crisp 	OAK 3 BAL 6 Final	2 R, 3 H, 1 BB, 1 HR, 1 RBI	24	OF	Even Gattis 	ATL 3 ARI 4 Final	3 H, 2 BB, 1 RBI	16
OF	Brett Gardner 	NYY 4 KC 8 Final		0	OF	Jason Heyward 	ATL 3 ARI 4 Final	1 R, 1 H, 1 HR, 2 RBI	16
OF	Dick Markakis 	OAK 3 BAL 6 Final	1 R, 1 H, 1 RBI, 1 BB	9	OF	Justin Upton 	ATL 3 ARI 4 Final	1 R, 1 H	5
■ Hide Shared Players									
TOTAL FANTASY POINTS: 112.95									
■ Hide Shared Players									
TOTAL FANTASY POINTS: 117.85									

14 92. DraftKings' on-line fantasy sports contests include "a processor remotely coupled to
 15 the server that receives the first event information; receives the second event information; [and]
 16 generates statistics information based at least in part upon the first event information, the second
 17 event information and wager records associated with the gaming application." (*Id.* at col. 20,
 18 ll. 56-62.)

MLB \$1 HEAD-TO-HEAD VS. BATTERY1975		PRIZE POOL \$1.00		TIE-BREAKERS & PRICES					
START TIME	JUN 07, 7:15 PM EST	SPORT	MLB	TEAMS	2	STATUS	COMPLETED	POSITIONS PAID	1
PATCHERB13	112.95	P	YTP	PIR	\$300,000	PIR	YTP	P	BATTERY1975
		10	0	0	PUNCHOUT	0	0	10	117.85
CURRENTLY IN 2ND									
POS	NAME	GAME	SCORING	FPTS	POS	NAME	GAME	SCORING	FPTS
P	Wade Mayr 	ATL 3 ARI 4 Final	5 K, 1 ER, 7 IP, 6 H	20.15	P	Tim Hudson 	NYM 4 SF 5 Final	5 K, 3 ER, 5 IP, 3 BB, 9 H	8.05
P	Max Scherzer 	BOS 6 DET 8 Final	1 W, 9 X, 4 ER, 6 2/3 IP, 1 BB, 11 H	21.8	P	Max Scherzer 	BOS 6 DET 8 Final	1 W, 9 X, 4 ER, 6 2/3 IP, 1 BB, 11 H	21.8
C	Keegan Montero 	ATL 3 ARI 4 Final	1 R, 1 H, 1 BB, 1 RBI	14	C	David Joseph 	OAK 3 BAL 6 Final	1 R, 1 H, 1 BB, 1 RBI	8
1B	Paul Goldschmidt 	ATL 3 ARI 4 Final	1 H, 1 BB	5	1B	Chris Johnson 	ATL 3 ARI 4 Final		0
2B	Brandon Hicks 	NYM 4 SF 5 Final	1 R	2	2B	Yangtze Saito 	NYY 4 KC 8 Final	1 R, 2 H, 1 BB, 2 RBB, 1 BB	10
3B	David Wright 	NYM 4 SF 5 Final	1 R, 1 H	5	3B	Miguel Cabrera 	BOS 6 DET 8 Final	1 R, 3 H, 2 BB, 1 RBI, 1 BB	19
SS	Deidi Gregorius 	ATL 3 ARI 4 Final	1 H, 2 BB, 1 SB	12	SS	Andrelton Simmons 	ATL 3 ARI 4 Final	1 R, 2 H, 1 CS	8
OF	Coco Crisp 	OAK 3 BAL 6 Final	2 R, 3 H, 1 BB, 1 HR, 1 RBI	24	OF	Even Gattis 	ATL 3 ARI 4 Final	3 H, 2 BB, 1 RBI	16
OF	Brett Gardner 	NYY 4 KC 8 Final		0	OF	Jason Heyward 	ATL 3 ARI 4 Final	1 R, 1 H, 1 HR, 2 RBI	16
OF	Dick Markakis 	OAK 3 BAL 6 Final	1 R, 1 H, 1 RBI, 1 BB	9	OF	Justin Upton 	ATL 3 ARI 4 Final	1 R, 1 H	5
■ Hide Shared Players									
TOTAL FANTASY POINTS: 112.95									
■ Hide Shared Players									
TOTAL FANTASY POINTS: 117.85									

93. DraftKings' on-line fantasy sports contests includes "determin[ing] an outcome of a
wager associated with the gaming application using the statistics information; and a memory
coupled to the processor that stores the statistics information." (*Id.* at col. 20, ll. 63-67.)

MLB \$1 HEAD-TO-HEAD VS. BATTERY1975				PRIZE POOL \$1.00				FULL CONTEST RULES & PRIZES			
START TIME	JUN 07, 7:15 PM EST	SPORT	MLB	TEAMS	2	STATUS	COMPLETED	POSITIONS PAID	1	PRIZE	\$1.00
PATCHERB13	112.95	P	YTP	PIR	 \$300,000 PUNCHOUT! 3 DAY SURVIVOR	PIR	YTP	P	BATTERY1975	117.85	
10	0	0				0	0	10			
CURRENTLY IN 2ND						CURRENTLY IN 1ST					
REMATCH											
POS	NAME	GAME	SCORING		FPTS	POS	NAME	GAME	SCORING		FPTS
P	Wesley May	ATL 3 ARI 4 Final	5 K, 1 ER, 7 IP, 6 H		20.15	P	Tim Hudson	NYM 4 SF 5 Final	5 K, 3 ER, 5 IP, 3 BB, 9 H		8.05
P	Max Scherzer	BOS 6 DET 8 Final	1 W, 9 K, 4 ER, 62 IP, 1 BB, 11 H		21.6	P	Max Scherzer	BOS 6 DET 8 Final	1 W, 9 K, 4 ER, 62 IP, 1 BB, 11 H		21.6

94. Defendant does not have a license or permission to use the '394 patent.

1 95. As a result of Defendant's infringement of the '394 patent, IG Limited has suffered
2 and continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty
3 and/or lost profits.

4 96. In a letter dated July 15, 2014, notice was provided to Defendant of the '394 patent
5 and Defendant's infringing conduct.

16 97. Despite the knowledge of the '394 patent, Defendant has continued to infringe this
17 patent. Defendant acted with reckless disregard of the '394 patent by continuing to infringe the
18 patent when it knew or should have known that its actions constituted infringement.

**SEVENTH CLAIM FOR RELIEF
(INFRINGEMENT OF U.S. PATENT NO. 6,884,166)**

98. Plaintiffs incorporate by reference paragraphs 1-97 as if fully set forth herein.

22 99. On April 26, 2005, U.S. Patent No. 6,884,166 ("the '166 patent") was duly and
23 legally issued by the PTO for an invention titled "System and Method for Establishing a Wager for
24 a Gaming Application" to the listed inventors Fergus A. Leen, Sam B. Lawrence, David G.
25 McNally, Clive Hetherington, David M. McDowell, and Kevin R. O'Neal. A certified copy of the
26 '166 patent is attached as **Exhibit G**.

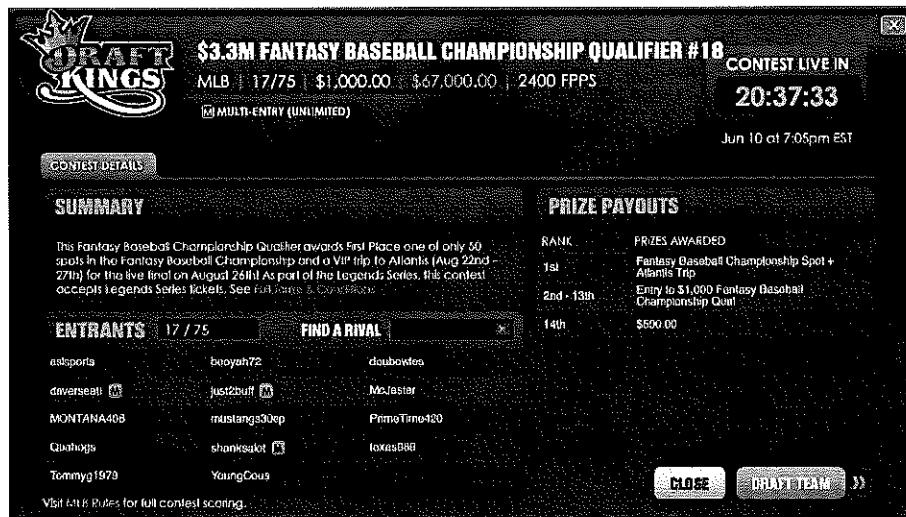
100. IG Limited is the assignee and sole owner of the '166 patent, with all substantive

1 rights in and to that patent, including the sole and exclusive right to bring this action and enforce
 2 the '166 patent against infringers, and to collect damages for all relevant times.

3 101. Defendant, directly or through its agents, customers, and/or intermediaries, has
 4 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products
 5 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more
 6 claims of the '166 patent. For example, on information and belief, Defendant's accused products
 7 and/or systems have certain features that host a gaming application for users, allow a first user to
 8 generate an offer, present the offer to a number of second users, and receive an acceptance by a
 9 second user to form a game between the first and second user. Defendant's accused products
 10 and/or systems also have certain features that further generate a record that is stored according to a
 11 record identifier where the record includes game parameters. This is done in a manner that
 12 infringes at least claim 39 of the '166 patent.

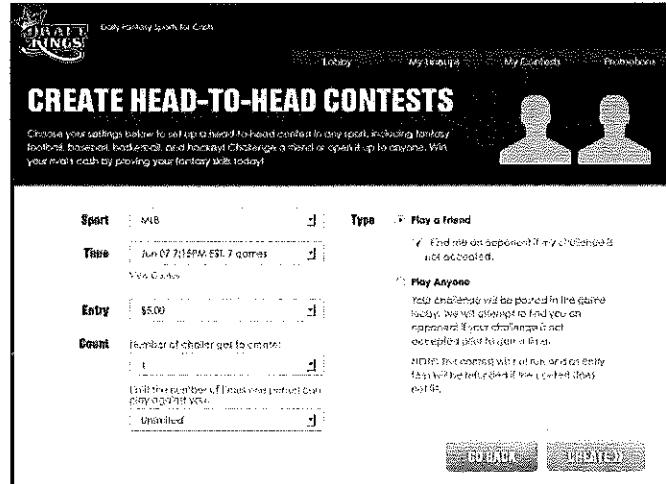
13 102. DraftKings' on-line fantasy sports contests contain each limitation of at least
 14 claim 39 of the '166 patent. By way of example only:

15 103. DraftKings' on-line fantasy sports contests meet all requirements of claim 39, which
 16 include (as shown below) "[a] system for establishing a wager associated with a gaming
 17 application, comprising: a server that hosts a gaming application for a plurality of users; [and] a
 18 processor remotely coupled to the server." ('166 patent, col. 23, ll. 55-59.)



28 104. DraftKings' on-line fantasy sports contests include "receiv[ing] a wager offer

1 generated by a first user, wherein the wager offer is associated with the gaming application.”
 2 (*Id.* at col. 23, ll. 60-62.)



105. DraftKings’ on-line fantasy sports contests include “present[ing] the wager offer to
 11 a plurality of second users; [and] receiv[ing] a wager acceptance by a second user, the wager offer
 12 and the wager acceptance combining to form a wager between the first user and the second user.”
 13 (*Id.* at col. 23, ll. 63-67.)



106. DraftKings’ on-line fantasy sports contests include “generat[ing] a wager record in
 11 response to receiving the wager acceptance, the wager record associated with the wager between
 12 the first user and the second user and comprising a plurality of wager parameters.” (*Id.* at col. 24,
 13 ll. 1-4.)

Upcoming Contests					
ID	Game	Starts In	Entry Fee	Prize Pool	Entries
801741	MLB \$1 Head-to-Head vs. Battery1975	01:44:53	\$1.00	\$1.80	2/2

1 107. Defendant does not have a license or permission to use the '166 patent.

2 108. As a result of Defendant's infringement of the '166 patent, IG Limited has suffered
3 and continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty
4 and/or lost profits.

5 109. In a letter dated July 15, 2014, notice was provided to Defendant of the '166 patent
6 and Defendant's infringing conduct.

7 110. Despite the knowledge of the '166 patent, Defendant has continued to infringe this
8 patent. Defendant acted with reckless disregard of the '166 patent by continuing to infringe the
9 patent when it knew or should have known that its actions constituted infringement.

10 **EIGHTH CLAIM FOR RELIEF**
11 **(INFRINGEMENT OF U.S. PATENT NO. 7,534,169)**

12 111. Plaintiffs incorporate by reference paragraphs 1-110 as if fully set forth herein.

13 112. On May 19, 2009, U.S. Patent No. 7,534,169 ("the '169 patent") was duly and
14 legally issued by the PTO for an invention titled "System and Method for Wireless Gaming System
15 with User Profiles" to the listed inventors Lee M. Amaitis, Joseph M. Asher, Robert F.
16 Bahrampour, Darrin M. Mylet, Alan B. Wilkins, and Howard W. Lutnick. A certified copy of the
17 '169 patent is attached as **Exhibit H**.

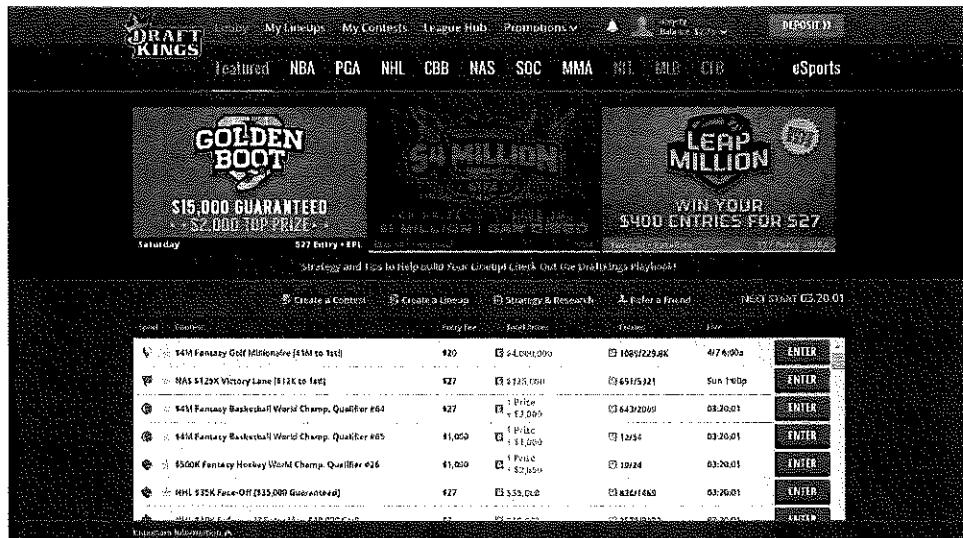
18 113. IG LLC is the assignee and sole owner of the '169 patent, with all substantive rights
19 in and to that patent, including the sole and exclusive right to bring this action and enforce the '169
20 patent against infringers, and to collect damages for all relevant times.

21 114. Defendant, directly or through its agents, customers, and/or intermediaries, has
22 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products
23 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more
24 claims of the '169 patent. For instance, on information and belief, Defendant's accused products
25 and/or systems have certain features that modify a gaming environment based on a user's success
26 level in playing a gaming activity. A gaming device enables the user to play a plurality of gaming
27 activities, and a user profile associated with the user is updated to reflect a first success level in
28 playing a first gaming activity during a first gaming session. After termination of the first gaming

1 session and the start of a second, subsequent, gaming session, the user's success level in playing
 2 the first gaming activity is determined. Based at least in part on the first success level, a gaming
 3 environment is modified and presented to the user through the gaming device. The modification
 4 includes a change in how the first gaming activity is presented to the user as a possible gaming
 5 activity during the second gaming session. This is done in a manner that infringes at least claim 1
 6 of the '169 patent.

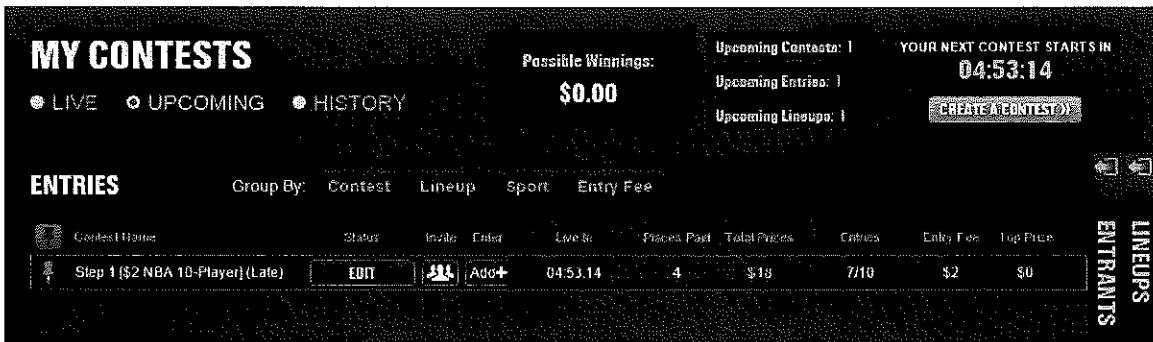
7 115. DraftKings' on-line fantasy sports contests contain each limitation of at least claim
 8 1 of the '169 patent. By way of example only:

9 116. DraftKings' on-line fantasy sports contests meet all requirements of claim 1, which
 10 include (as shown below) "[a]n apparatus comprising: . . . at least one profile associated with a user
 11 of a gaming device, the gaming device being operable to make a plurality of gaming activities
 12 available to the user for play via the gaming device." ('169 patent, col. 26, ll. 43-52.)

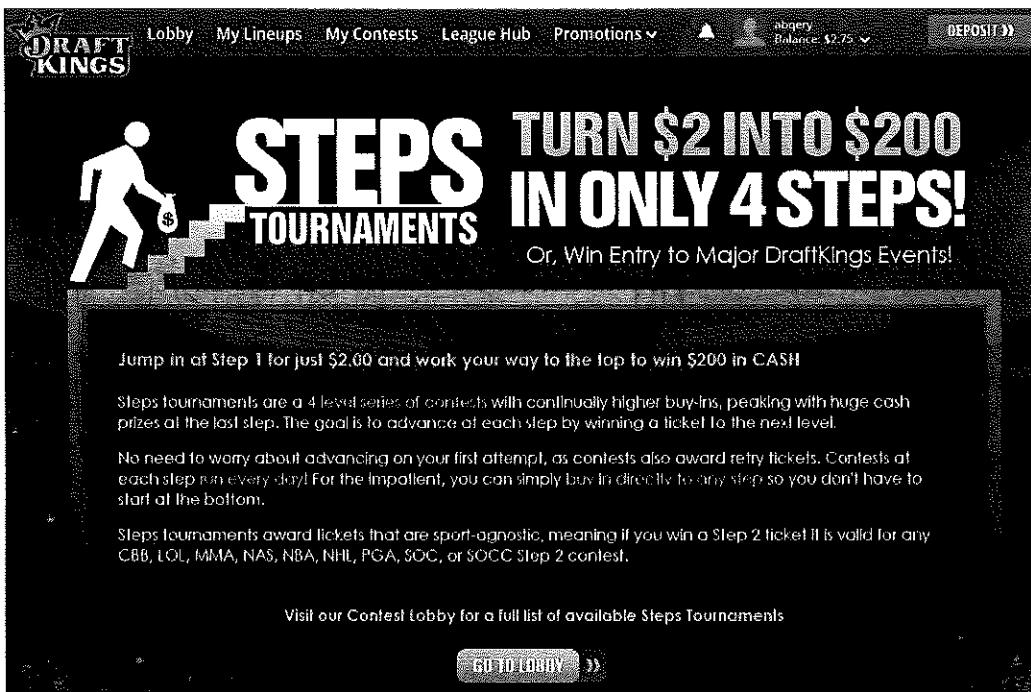


22 117. DraftKings' on-line fantasy sports contests include "updat[ing] the user's profile to
 23 reflect a first success level of the user in playing a first of the plurality of gaming activities via the
 24 gaming device during a first gaming session." (*Id.* at col. 26, ll. 56-59.)

25 . . .
 26 . . .
 27 . . .
 28 . . .

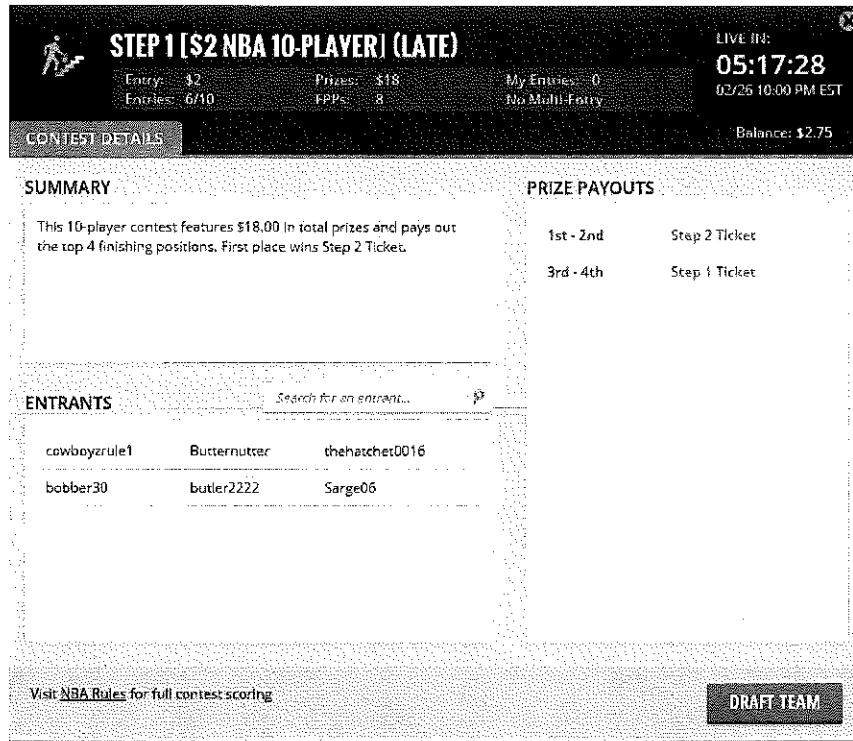


118. DraftKings' on-line fantasy sports contests include, "based at least in part on the first success level, modify[ing] a gaming environment, wherein the modification includes a change as to how the first gaming activity is presented to the user as a possible gaming activity that the user may play via the gaming device during the second gaming session." (*Id.* at col. 26, l. 66 to col. 27, l. 4.)



119. DraftKings' on-line fantasy sports contests includes "present[ing] to the user, via the gaming device, the first gaming activity according to the modified gaming environment." (*Id.* at col. 27, ll. 5-7.)

• 9 •



13 120. Defendant does not have a license or permission to use the '169 patent.

14 121. As a result of Defendant's infringement of the '169 patent, IG LLC has suffered and
15 continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty
16 and/or lost profits.

17 122. In a letter dated July 15, 2014, notice was provided to Defendant of the '169 patent
18 and Defendant's infringing conduct.

19 123. Despite the knowledge of the '169 patent, Defendant has continued to infringe this
20 patent. Defendant acted with reckless disregard of the '169 patent by continuing to infringe the
21 patent when it knew or should have known that its actions constituted infringement.

22 **NINTH CLAIM FOR RELIEF**
23 **(WILLFUL INFRINGEMENT)**

24 124. Plaintiffs incorporate by reference paragraphs 1-123 as if fully set forth herein.

25 125. Defendant's infringement of the RE'818, '628, '417, '511, '924, '394, '166, and
26 '169 patents has been and continues to be willful. Indeed, DraftKings has been aware of at least
27 the RE'818, '628, '511, '924, '394, '166, and '169 patents since receiving notice on or about July
28 15, 2014. DraftKings was also made aware of the '417 patent as early as the filing of this lawsuit.

1 DraftKings' continued use of its infringing products constitutes willful and blatant infringement.

2 126. For the same reasons set forth above in paragraphs 15, 26, 39, 67, 72, 83, 96, 109,
 3 and 122, Defendant has had knowledge of the RE'818, '628, '417, '511, '924, '394, '166, and '169
 4 patents, and that its acts constitute infringement. Defendant has acted and is continuing to act in
 5 the face of an objectively high likelihood that its actions constitute infringement of a valid patent or
 6 with reckless disregard of that likelihood.

7 **JURY DEMAND**

8 127. Plaintiffs request a trial by jury on all issues so triable by right.

9 **PRAYER FOR RELIEF**

10 Wherefore, Plaintiffs respectfully request that the Court find in their favor and against
 11 Defendant, and that the Court grant Plaintiffs the following relief:

12 1. A declaration that DraftKings infringes the Patents-in-Suit under 35 U.S.C.
 13 § 271(a), (b), and/or (c), and a final judgment incorporating same;

14 2. Equitable relief under 35 U.S.C. § 283, including but not limited to an injunction
 15 that enjoins DraftKings and any of its officers, agents, employees, assigns, representatives, privies,
 16 successors, and those acting in concert or participation with them from infringing, contributing to,
 17 and/or inducing infringement of the Patents-in-Suit;

18 3. An award of damages sufficient to compensate Plaintiffs for infringement of the
 19 Patents-in-Suit by DraftKings, together with prejudgment and postjudgment interest under 35
 20 U.S.C. § 284;

21 4. Entry of an order compelling DraftKings to compensate Plaintiffs for any ongoing
 22 and/or future infringement of the Patents-in-Suit, in an amount and under terms appropriate under
 23 the circumstances;

24 5. That this Court declare this an exceptional case and award Plaintiffs their reasonable
 25 attorneys' fees, costs, and expenses in accordance with 35 U.S.C. § 285;

26 6. A declaration or order finding DraftKings' infringement is willful and/or an order
 27 increasing damages under 35 U.S.C. § 284; and

28 7. That Plaintiffs be granted such other and further relief as the Court may deem just

1 and proper under the circumstances.

2 DATED this 7th day of April, 2016.

3 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

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